

Under current law, the attackers of someone like Michael Sandy of Brooklyn, who was attacked simply because he was walking down a street and he was gay, could not be prosecuted for a hate crime because, under existing law, only victims targeted because they are engaged in a federally protected activity, such as voting, are protected. This bill expands the definition to cover all violent crimes motivated by race, color, creed, national origin, et cetera.

This is not an issue of free speech. This bill deals only with crimes of violence in which the victim is selected with his or her status.

The law routinely looks to the motivation of a crime and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We all know how to make these distinctions. The law does it all the time. We ought to do it here; we ought to say that crimes of violence motivated by one's status are particularly heinous and ought to be treated as such.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I appreciate the ranking member of the Judiciary Committee yielding to me.

This bill before us today is one that I have dreaded seeing come before the American people.

I was born in 1949. That was the year that George Orwell published the book "1984." I offered an amendment in committee to change the title of this bill from the Hate Crimes bill to the Thought Crimes bill. In fact, you are seeking to punish thought. And even though the gentleman from Virginia has stated correctly that under this bill, they will be prosecuting crimes, they will also be sentenced for thoughts.

Orwell wrote in 1949 in the book "1984," "We are not interested in those stupid crimes that you have committed. The party is not interested in any overt act. The thought is all that we care about. We do not merely destroy our enemies; we change them. Do you understand what I mean by that?"

And he goes on to define "crimethink," which is exactly the bill before us today. And he defines it this way: "To even consider any thought not in line with the principles of Ingsoc. Doubting any of the principles of Ingsoc. All crimes begin with a thought. So, if you control thought, you control crime. Thoughtcrime is death. Thoughtcrime does not entail death. Thoughtcrime is death, the essential crime that contains all others in and of itself."

And the definition of "Ingsoc" is English socialism, which is how he defined the coming creeping of socialism and Marxism that he feared.

So I make that point strongly that we have now come to this. "1984" has manifested itself on the floor of the

United States Congress with the belief that, somehow or another, we can divine what somebody thinks and then punish them for it. And I have been called a racist on the floor of this House for using the term "cultural continuity." How can someone who could make that allegation who has been elected to the United States Congress be sitting on a jury of me? We judge by a jury of our peers, or the peers of the accused and what's in their mind. That's a thoughtcrime in and of itself.

Mr. CONYERS. I yield 1 minute now to a distinguished member of the Judiciary Committee, Mr. ELLISON of Minnesota.

Mr. ELLISON. Mr. Speaker, it is horribly sad that anyone would want to vocalize hateful ideas, but it is not illegal. What Don Imus said about African American women was legal though deplorable. But violence is not. Violence is different. Violence is acts, if motivated by hateful thoughts, that make an impact on the community that is much more harmful than to the individual. It expands to an entire community and injects an immobilizing, terrorizing fear into that community which makes it even more wrong than an act against an individual.

When Eric Richey drove his Mustang into the largest mosque in Ohio on September 16, 2001, he didn't just destroy a building, he injected fear into an entire community.

My question is this: Why do you want to protect thugs and hatemongers? Why don't you want to stand with the civilized community and say, hate is wrong and we must stop it now?

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), also a member of the Judiciary Committee.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I come before the House today in strong opposition to the Local Law Enforcement Hate Crimes Prevention Act. It would be Thomas Jefferson who would remind the American people that the government reaches actions only and not opinions, in his famous letter to the Danbury Baptists.

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them, and there is no evidence that underlying violent crimes at issue here are not already being fully and aggressively prosecuted. Therefore, hate crimes laws serve no practical purpose and, instead, serve to penalize people for their thoughts and beliefs.

Now, some of these thoughts and beliefs are abhorrent, like racism and sexism, and I disdain them. But hate crimes bills are broad enough to encompass legitimate beliefs as well, and protecting the rights of freedom of speech and religion must be paramount on our minds.

The first amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. There is a real possibility that this bill, as written, that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy laws or section 2 of title XVIII, which holds a person criminally liable if they aid and abet in the commission of a crime. Putting a chill on a pastor's words or a religious broadcaster's programming, an evangelical leader's message, or even the leader of a small group Bible study is a blatant attack on the constitutionally guaranteed right to freedom of religion.

Last week, I offered an amendment before the committee that simply would have stated that nothing in this section limits the religious freedom of any person or group under the Constitution. Unfortunately, this amendment was rejected by the majority and rejected by the Rules Committee for consideration today.

We must guard against the potential for abuse of hate crimes laws. The Pence amendment would have done so by stating, once and for all, that people in groups will not have their constitutionally guaranteed right to freedom of religion taken away.

On this National Day of Prayer, let's take a stand for the right of every American to believe and speak and pray in accordance with the dictates of their conscience and reject this legislation.

Mr. Speaker, I come before the House today in strong opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act.

As Thomas Jefferson once said, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them and there is no evidence that the underlying violent crimes at issue here are not already being fully and aggressively prosecuted in the States. Therefore, hate crimes laws serve no practical purpose and instead serve to penalize people for their thoughts, beliefs or attitudes.

Some of these thoughts, beliefs or attitudes such as racism and sexism are abhorrent, and I disdain them. However the hate crimes bill is broad enough to encompass legitimate beliefs, and protecting the rights of freedom of speech and religion must be paramount in our minds.

The First Amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." America